



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6353-99

27 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 2 March 1981 at age 20. The record shows that during the period from 21 July 1981 to 24 September 1981 you received nonjudicial punishment on three occasions. Your offenses were two periods of unauthorized absence totaling about five days and an absence from your place of duty.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board and requested immediate discharge. Subsequently, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a general discharge. The general discharge was issued effective 23 October 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you were not properly informed that your discharge could be recharacterized to honorable after six months. The Board found that these factors

and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and short period of service. There is no provision in the law or regulations which would allow for recharacterization of a discharge based solely on the passage of a period of time. Therefore, your contention is without merit. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director